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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,735	11/13/2003	Olaf Vancura	1482/161(f)	8906
29159	7590	06/08/2009		
K&L Gates LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER TORIMERO, ADETOKUNBO OLUSEGUN	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 06/08/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary

Application No.

10/712,735

Applicant(s)

VANCURA, OLAF

Examiner

ADETOKUNBO O. TORIMIRO

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54, 56-58, 60, 61 and 63-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54, 56-58, 60, 61, and 63-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on 01/22/2009 has been entered. It is noted that claims 54,56,60,61, 63-67,69, and 70 have been amended.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:-

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 54,56-58, 60,61,63,64, 66-67, and 69-72 are rejected under 35 U.S.C. 102(e) as being anticipated by Frohm et al (US 6,234,897).

Re claim 54: Frohm et al teaches a method for playing a gaming machine, the gaming machine having a plurality of game symbols (see **figs.1 and 2; col.2, lines 13-16**), said method comprising: a. randomly displaying a combination of the plurality of game symbols in the gaming machine (see **fig.7; col.3, lines 56-58 and col.4, lines 35-40**), the plurality of game symbols at least including value / *winning* symbols and end of game / *losing* symbols (see **col.3, lines 20-29**), b. determining the values in any value symbols displayed in the gaming machine in response to the step of randomly displaying (see **col.3, lines 64-66 and col.7, lines 40-42**), c. accumulating in the gaming machine the determined values to an accumulated winnings value, d. repeating in the gaming machine steps a, b, and c until predetermined number of end game symbols is randomly displayed, e. ending play in the gaming machine when the predetermined number is reached; wherein the predetermined number is one (see **figs.7 and 8; col.7, lines 40-**

62); displaying on the gaming machine randomly generated combinations of symbols that corresponds to award values (**see abstract; col.3, lines 50-66**). Frohm et al further teaches the game having symbols such as start-bonus symbols, where the games is played continually until an end of game event occurs such as a losing trial as taught by Frohm which stops the continuous game play, and where the winnings are accumulated and summed up during the continuous game play (**see col.1, lines 56-67**).

Re claims 56-58: Frohm et al teaches further including null / *blank* symbols in the game symbols (**see col.4, lines 35-37**); wherein the value symbols include positive integer values; wherein the value symbols include negative integer values (**see fig.3**); wherein the value symbols include multipliers (**see figs. 10A-10D; col.8, lines 10-21**). **It is apparent to Examiner that if the symbols can include positive integers, it is a preference to include negative integers.**

Re claims 60 and 61: Frohm et al teaches further comprising: ending the bonus game when a player stop signal is received in response to the step of accumulating, and awarding the accumulated winnings value in response to the received player stop signal (**see fig.8; col.7, lines 59-62**); further comprising determining when the accumulated winnings value at least equals a predetermined winnings value, ending the bonus game, and awarding the accumulated winnings value (**see fig.12; col.9, lines 9-40**); wherein the predetermined number is one and the end game symbol is a lose symbol (**see col.7, lines 45-58**).

Re claim 63: Frohm et al teaches a method for playing a bonus game, the bonus game having a plurality of game symbols (see **figs.1 and 2; col.2, lines 13-16**), said method comprising: a. randomly displaying a combination of game symbols from the plurality of game symbols in the bonus game (see **fig.7; col.3, lines 56-58 and col.4, lines 35-40**), the plurality of game symbols including at least one value / *winning* symbols and at least one end of game / *losing* symbol (see **col.3, lines 20-29**), b. determining values in any value symbols displayed in the bonus game in response to the step of randomly displaying (see **col.3, lines 64-66 and col.7, lines 40-42**), c. accumulating in the bonus game the determined values to an accumulated winnings value, d. repeating in the bonus game steps a, b, and c until the accumulated winnings value reaches a predetermined value, e. ending the bonus game when the predetermined value is reached and the at least one end game symbol has not been displayed on any combination of game symbols (see **figs.7 and 8; col.7, lines 40-62**); displaying on the gaming machine randomly generated combinations of symbols that corresponds to award values (see **abstract; col.3, lines 50-66**). Frohm et al further teaches the game having symbols such as start-bonus symbols, where the games is played continually until an end of game event occurs such as a losing trial as taught by Frohm which stops the continuous game play, and where the winnings are accumulated and summed up during the continuous game play (see **col.1, lines 56-67**).

Re claim 64: Frohm et al teaches the method further comprising: paying an award different from the predetermined value in response to ending the bonus game (see **fig.8; col.7, lines 59-62**).

Re claim 66: Frohm et al teaches the method further comprising paying the predetermined value in response to ending the bonus game value (see fig.12; col.9, lines 9-40).

Re claim 67: Frohm et al teaches a method for playing a bonus game, the bonus game having a plurality of game symbols (see figs.1 and 2; col.2, lines 13-16), said method comprising: a. setting a count value to zero when the bonus game starts (see col.7, lines 2-5), b. incrementing the count value each play of a bonus game (see col.7, lines 39-40), c. randomly displaying a combination of game symbols from the plurality of game symbols in each play of the bonus game (see fig.7; col.3, lines 56-58 and col.4, lines 35-40), the plurality of game symbols including at least one end game / losing symbol (see col.3, lines 20-29), d. repeating in the bonus game steps b and c until the count value reaches a predetermined value, e. ending the bonus game when the predetermined value is reached and the at least one end game symbol has not been randomly displayed in any combination of game symbols (see figs.7 and 8; col.7, lines 40-62); displaying on the gaming machine randomly generated combinations of symbols that corresponds to award values (see abstract; col.3, lines 50-66). Frohm et al further teaches the game having symbols such as start-bonus symbols, where the games is played continually until an end of game event occurs such as a losing trial as taught by Frohm which stops the continuous game play, and where the winnings are accumulated and summed up during the continuous game play (see col.1, lines 56-67).

Re claim 69: Frohm et al teaches a method for playing a casino bonus game when a bonus qualifying signal issues during play of a casino gaming machine(see col.2, lines 18-21)

comprising: accumulating award values in a display during play of the casino bonus game (**see figs.7 and 8; col.7, lines 40-62**), receiving a player stop signal from a player input during play of the casino bonus game, displaying an end of bonus game / *losing* symbol in the display during play of the casino bonus game (**see col.3, lines 20-29**), awarding at least the accumulated award values in response to receiving the player stop signal and before the end of bonus game symbol is displayed in the display signal, ending play of the casino bonus game in response to awarding, ending play of the casino bonus game in response to displaying the end of game symbol before receiving the payer stop signal (**see fig.8; col.7, lines 59-62**); displaying on the gaming machine randomly generated combinations of symbols that corresponds to award values (**see abstract; col.s3, lines 50-66**). Frohm et al further teaches the game having symbols such as start-bonus symbols, where the games is played continually until an end of game event occurs such as a losing trial as taught by Frohm which stops the continuous game play, and where the winnings are accumulated and summed up during the continuous game play (**see col.1, lines 56-67**).

Re claims 70-72: Frohm et al teaches further including null / *blank* symbols in the game symbols (**see col.4, lines 35-37**); wherein the value symbols include positive integer values; wherein the value symbols include negative integer values (**see fig.3**); wherein the value symbols include multipliers (**see figs. 10A-10D; col.8, lines 10-21**). **It is apparent to Examiner that if the symbols can include positive integers, it is a preference or design choice to include negative integers.**

4. Claims 65 and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frohm et al (US 6,234,897) in view of Moody et al (US 5,976,016). The teachings of Frohm et al has been discussed above.

Re claims 65 and 68: Frohm et al teaches a method for playing a bonus game, the bonus game having a plurality of game symbols (**see figs.1 and 2; col.2, lines 13-16**).

However, Frohm et al fails to explicitly teach further comprising paying a progressive jackpot in response to ending the bonus game.

Moody et al teaches further comprising paying a progressive jackpot in response to ending the bonus game (**see col.6, lines 16-27**).

Therefore it would have been obvious to one of ordinary skill in the art at the invention was made to make this combination of the teachings of Frohm et al and Moody et al so as to have a game with increased intensity, interest, and anticipation for the game player towards winning at the end of the game.

Response to Arguments

5. Applicant's arguments filed on 01/22/2009 have been fully considered but they are not persuasive.

In light of the applicant's amendment and re-examination of the claim limitations, the examiner concluded that the Frohm et al reference is sufficient by itself to teach the claim limitations as cited above; therefore in light of the amendments the Baerlocher et al reference has been removed. For argument sake, the examiner points out that the previous office action never

stated that Frohm et al lacked any of the limitations but simply introduced Baerlocher et al for extra support to the rejection.

In response to the argument that Frohm does not teach the limitation of summing up awards, the examiner disagrees. The examiner points out that it is apparent that for accumulated winnings to occur, there has to be summing up of winnings as the game progresses. Further, col.1, lines 61-62 of Frohm also states that game play continues with winnings being accumulated, which infers that the winning per game is game is summed up as the game progresses until the game ends.

In response to the argument that Frohm does not disclose displaying award value symbols, the examiner disagrees. The examiner points out that the symbols displayed on the reels as taught by Frohm, represents the award value and hence are the award value symbols because there is a payable associated with the game that specifies the award value associated with each symbol and combination of symbols. This therefore implies that the award value is depicted and displayed through the displayed symbols and thereby teaching the limitation of displaying awarded value.

In response to the argument that Frohm does not teach end of game symbols, the examiner disagrees and points out that Frohm teaches game ending symbols. Frohm teaches and end-game outcome in col.1, lines 61-62 on playing the game continuously till a "losing trial" occurs, which represents the end of game outcome.

In response to the argument that the combination of Frohm et al and Moody is improper, the examiner disagrees. The examiner points out that as discussed in the above responses, Frohm et al teaches the limitation of displaying award values and summing them up to form an

accumulated winning value. The examiner explained that Frohm et al teaches the limitation of allowing game play until a game ending event takes place, with the values being accumulated throughout the game play. Further the examiner points out that Moody teaches on a jackpot being either fixed or a progressive amount, while Frohm et al teaches accumulating of awards. It is well known in the art that a progressive jackpot game is a result of outcomes generated from a series of outcomes, which therefore infers that the teachings of Moody can be incorporated into Frohm et al, where the progressive jackpot awarded in Moody is a result of the accumulated values taught by Frohm et al, thereby teaching the applicant's claimed invention.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/John M Hotaling II/

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Supervisory Patent Examiner, Art Unit 3714